

cial Law, including those operating under a special charter or charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendments thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof; to assess part of the cost against abutting property and owners thereof and against railroads, street railroads, or interurbans and the owners thereof, so that such improvements and assessments may be made although such streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof lie without the corporate limits of such cities, towns, and villages, if that part to be improved lies immediately adjacent to and adjoins such corporate limits, and although the property abutting thereon is located outside such corporate limits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mrs. Colson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1079.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mrs. Colson:

H. B. No. 1079, A bill to be entitled "An Act to aid the San Jacinto River Conservation and Reclamation District embracing the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto Watershed in carrying out the powers, duties and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of twenty (20) years, fifty (50%) per cent of all the State ad valorem taxes for General Revenue purposes upon the property and from persons in counties comprising in whole or in part such District, and declaring an emergency."

Referred to the Committee on State Affairs.

## HOUSE JOINT RESOLUTION ON FIRST READING

Mr. Dean asked unanimous consent, to introduce, at this time, and have placed on first reading, House Joint Resolution No. 43.

There was no objection.

The Speaker then laid the resolution before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Dean:

H. J. R. No. 43, Proposing an amendment to the Constitution of the State of Texas repealing Section 51-b, Article 3 of the Constitution, as adopted by election of August 24th, 1935, and to provide that the Legislature of the State of Texas shall have no power to provide for old age assistance or to accept from the Government of the United States financial aid for old age assistance.

Referred to the Committee on Constitutional Amendments.

## ADJOURNMENT

Mr. Chambers moved that the House adjourn until 3:05 o'clock p. m., Thursday, May 11.

Mr. Dean moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Chambers prevailed, and the House, accordingly, at 3:00 o'clock p. m., adjourned until 3:05 o'clock p. m., Thursday, May 11.

## SEVENTY-FIRST DAY

(Thursday, May 11, 1939)

The House met at 3:05 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

|                  |                   |
|------------------|-------------------|
| Mr. Speaker      | Bond              |
| Allen            | Boyd              |
| Allison          | Boyer             |
| Alsup            | Bradbury          |
| Anderson         | Bradford          |
| Bailey           | Bridgers          |
| Baker            | Broadfoot         |
| of Fort Bend     | Brown of Cherokee |
| Baker of Grayson | Brown             |
| Boethel          | of Nacogdoches    |

|                    |                  |
|--------------------|------------------|
| Bundy              | Lock             |
| Burkett            | Loggins          |
| Burney             | Mays             |
| Cauthorn           | McAlister        |
| Celaya             | McDaniel         |
| Chambers           | McDonald         |
| Clark              | McFarland        |
| Cleveland          | McMurry          |
| Cockrell           | McNamara         |
| Coleman            | Mohrmann         |
| Colquitt           | Monkhouse        |
| Colson, Mrs.       | Montgomery       |
| Cornett            | Morris           |
| Corry              | Newell           |
| Crossley           | Nicholson        |
| Daniel             | Oliver           |
| Davis of Jasper    | Pace             |
| Davis of Upshur    | Petsch           |
| Dean               | Pevehouse        |
| Dickison           | Pope             |
| Dickson            | Ragsdale         |
| Donaghey           | Reader of Bexar  |
| Dowell             | Reader of Erath  |
| Dwyer              | Reaves           |
| Faulkner           | Reed             |
| Felty              | Rhodes           |
| Ferguson           | Riviere          |
| Fielden            | Roach            |
| Fuchs              | Roberts          |
| Galbreath          | Robinson         |
| Gilmer             | Russell          |
| Goodman            | Segrist          |
| Gordon, Mrs.       | Shell            |
| Hale               | Skiles           |
| Hamilton           | Smith of Frio    |
| Hankamer           | Smith of Hopkins |
| Hardeman           | Smith            |
| Hardin             | of Matagorda     |
| Harp               | Spencer          |
| Harper             | Stinson          |
| Harrell of Lamar   | Stoll            |
| Harris             | Talbert          |
| Holland            | Tarwater         |
| Howard             | Taylor           |
| Howington          | Tennant          |
| Hull               | Thornberry       |
| Hunt               | Thornton         |
| Isaacks            | Turner           |
| Johnson of Ellis   | Vale             |
| Johnson of Tarrant | Vint             |
| Keith              | Voigt            |
| Kennedy            | Waggoner         |
| Kern               | Weldon           |
| Kerr               | Wells            |
| Kersey             | Westbrook        |
| Kinard             | White            |
| King               | Wilson           |
| Langdon            | Winfree          |
| Lehman             | Wood             |
| Leonard            | Worley           |
| Little             | Wright           |

## Absent

|             |        |
|-------------|--------|
| Blankenship | London |
| Derden      |        |

## Absent—Excused

|                    |             |
|--------------------|-------------|
| Bell               | Heflin      |
| Bray               | Leyendecker |
| Harrell of Bastrop | Piner       |
| Hartzog            | Schuenemann |

A quorum was announced present.

Prayer was offered by Hon. John E. Roach of Kaufman County, as follows:

"Our Heavenly Father, as we proceed with the arduous duties committed to our hands, be Thou with us with Thy most gracious presence. Help us to possess our souls in patience, and work together in Christian fellowship for Thy glory and for the community good. We pray in Jesus name, Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Piner for today, on motion of Mr. Hale.

Mr. Bell for today, on motion of Mr. Johnson of Tarrant.

Mr. Schuenemann for today, on motion of Mr. Taylor.

Mr. Harrell of Bastrop for today, on motion of Mr. Broadfoot.

The following Members were granted leaves of absence on account of illness:

Mr. Hartzog for today, on motion of Mr. Riviere.

Mr. Leyendecker for today, on motion of Mr. Holland.

## BILL RECOMMITTED

Mr. McAlister moved that Senate Bill No. 199 be recommitted to the Committee on Criminal Jurisprudence. The motion prevailed.

## MOTION TO RE-REFER

Mr. White moved that House Bill No. 138 be withdrawn from the Committee on Appropriations and referred to the Committee on Education.

The motion was lost.

## RELATIVE TO TAX ON HOMESTEADS

Mr. Bradbury offered the following resolution:

H. S. R. No. 273, Relative to tax on homesteads.

Whereas, United States Senator Morris Sheppard, Senior Senator from Texas, has introduced into the United States Senate, Senate Joint Resolution No. 220, in which Section 1 reads, as follows:

"The homestead of any head of a family, male or female, or of any citizen having one or more persons dependent upon him or her for support, shall be exempted from taxation up to Five Thousand (\$5,000.00) Dollars of its value, when occupied by its owner, or by his or her dependents as a homestead, excepting only the tax required to pay State, County, Municipal and District bonded debts applicable to such homesteads or outstanding at the date of ratification;" and

Whereas, Texas has been the pioneer State in exempting homesteads for State purposes; and, now, therefore, be it

Resolved, That we go on record as commending Senator Sheppard for his efforts to remove the tax from the homesteads.

The resolution was read second time.

Mr. Hardin moved the previous question on the resolution, and the main question was ordered.

Question recurring on the resolution by Mr. Bradbury, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—95

|                   |                 |
|-------------------|-----------------|
| Allison           | Bundy           |
| Alsup             | Burkett         |
| Bailey            | Burney          |
| Baker             | Cauthorn        |
| of Fort Bend      | Celaya          |
| Baker of Grayson  | Chambers        |
| Blankenship       | Cleveland       |
| Boethel           | Cockrell        |
| Boyd              | Coleman         |
| Boyer             | Colson, Mrs.    |
| Bradbury          | Cornett         |
| Bradford          | Crossley        |
| Bridgers          | Daniel          |
| Broadfoot         | Davis of Jasper |
| Brown of Cherokee | Dean            |

|                    |                  |
|--------------------|------------------|
| Derden             | Little           |
| Dickison           | Lock             |
| Dickson            | Loggins          |
| Donaghey           | McDonald         |
| Dowell             | Monkhouse        |
| Dwyer              | Montgomery       |
| Faulkner           | Newell           |
| Felty              | Oliver           |
| Ferguson           | Pace             |
| Fielden            | Pevehouse        |
| Galbreath          | Piner            |
| Gilmer             | Ragsdale         |
| Hale               | Reader of Bexar  |
| Hamilton           | Reaves           |
| Hardin             | Rhodes           |
| Harper             | Riviere          |
| Harrell of Lamar   | Robinson         |
| Holland            | Russell          |
| Howard             | Segrist          |
| Howington          | Skiles           |
| Hull               | Smith of Frio    |
| Hunt               | Smith of Hopkins |
| Johnson of Ellis   | Spencer          |
| Johnson of Tarrant | Talbert          |
| Kennedy            | Thornberry       |
| Kern               | Vint             |
| Kerr               | Weldon           |
| Kersey             | Westbrook        |
| Kinard             | White            |
| King               | Winfree          |
| Langdon            | Wood             |
| Lehman             | Worley           |
| Leonard            | Wright           |

## Nays—21

|                 |                 |
|-----------------|-----------------|
| Allen           | Morris          |
| Bray            | Nicholson       |
| Corry           | Reader of Erath |
| Davis of Upshur | Roach           |
| Fuchs           | Roberts         |
| Harris          | Stoll           |
| Isaacks         | Tennant         |
| Mays            | Turner          |
| McFarland       | Wells           |
| McMurry         | Wilson          |
| McNamara        |                 |

## Present—Not Voting

|                |                    |
|----------------|--------------------|
| McAlister      | Voigt              |
|                | Absent             |
| Anderson       | Harrell of Bastrop |
| Bond           | Keith              |
| Brown          | London             |
| of Nacogdoches | McDaniel           |
| Clark          | Mohrmann           |
| Colquitt       | Petsch             |
| Goodman        | Pope               |
| Gordon, Mrs.   | Schuenemann        |
| Hankamer       | Shell              |
| Hardeman       | Smith              |
| Harp           | of Matagorda       |

Stinson  
Tarwater  
Taylor

Thornton  
Vale  
Waggoner

Absent—Excused

Bell  
Hartzog  
Heflin

Leyendecker  
Reed

#### RELATIVE TO RESOLUTION PERIOD

On motion of Mr. Celaya, the resolution period was ordered dispensed with, at this time.

#### NOTICE GIVEN

Mr. Thornton gave notice, that he would, on the next legislative day, move to take up for consideration, at that time, Senate Joint Resolution No. 12, which resolution was heretofore laid on the table subject to call.

#### SENATE BILL NO. 99 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 99, A bill to be entitled "An Act amending Senate Bill No. 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill No. 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, and declaring an emergency."

The bill was read third time, and was passed.

Mr. Chambers moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 181 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 181, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 181 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

|                 |                  |
|-----------------|------------------|
| Allen           | Hardin           |
| Allison         | Harper           |
| Alsup           | Harrell of Lamar |
| Anderson        | Harris           |
| Bailey          | Holland          |
| Baker           | Howard           |
| of Fort Bend    | Howington        |
| Blankenship     | Hull             |
| Boethel         | Hunt             |
| Bond            | Isaacks          |
| Boyd            | Johnson of Ellis |
| Boyer           | Keith            |
| Bradbury        | Kennedy          |
| Bradford        | Kern             |
| Bray            | Kerr             |
| Bridgers        | Kersey           |
| Brown           | King             |
| of Nacogdoches  | Langdon          |
| Bundy           | Lehman           |
| Burkett         | Lock             |
| Burney          | London           |
| Cauthorn        | Mays             |
| Celaya          | McAlister        |
| Chambers        | McDaniel         |
| Clark           | McFarland        |
| Cleveland       | McMurry          |
| Cockrell        | McNamara         |
| Coleman         | Mohrmann         |
| Colson, Mrs.    | Monkhouse        |
| Cornett         | Montgomery       |
| Crossley        | Newell           |
| Daniel          | Nicholson        |
| Davis of Jasper | Pace             |
| Davis of Upshur | Petsch           |
| Derden          | Pevehouse        |
| Dickison        | Piner            |
| Dickson         | Pope             |
| Dowell          | Ragsdale         |
| Dwyer           | Reader of Bexar  |
| Faulkner        | Reader of Erath  |
| Felty           | Reaves           |
| Ferguson        | Reed             |
| Fuchs           | Rhodes           |
| Galbreath       | Riviere          |
| Gilmer          | Roach            |
| Goodman         | Roberts          |
| Gordon, Mrs.    | Robinson         |
| Hale            | Russell          |
| Hamilton        | Segrist          |
| Hankamer        | Shell            |
| Hardeman        | Skiles           |

|                  |           |
|------------------|-----------|
| Smith of Hopkins | Vale      |
| Spencer          | Waggoner  |
| Stinson          | Weldon    |
| Stoll            | Wells     |
| Talbert          | Westbrook |
| Tarwater         | White     |
| Taylor           | Wilson    |
| Tennant          | Winfree   |
| Thornberry       | Wood      |
| Thornton         | Worley    |
| Turner           | Wright    |

**Absent**

|                    |               |
|--------------------|---------------|
| Baker of Grayson   | Little        |
| Broadfoot          | Loggins       |
| Brown of Cherokee  | McDonald      |
| Colquitt           | Morris        |
| Corry              | Oliver        |
| Dean               | Schuenemann   |
| Donaghey           | Smith of Frio |
| Fielden            | Smith         |
| Harp               | of Matagorda  |
| Johnson of Tarrant | Vint          |
| Kinard             | Voigt         |
| Leonard            |               |

**Absent—Excused**

|                    |             |
|--------------------|-------------|
| Bell               | Heflin      |
| Harrell of Bastrop | Leyendecker |
| Hartzog            |             |

The Speaker then laid Senate Bill No. 181 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

**Yeas—122**

|                |                 |
|----------------|-----------------|
| Allen          | Cleveland       |
| Allison        | Cockrell        |
| Alsup          | Coleman         |
| Anderson       | Colson, Mrs.    |
| Bailey         | Cornett         |
| Baker          | Crossley        |
| of Fort Bend   | Daniel          |
| Blankenship    | Davis of Jasper |
| Boethel        | Davis of Upshur |
| Bond           | Derden          |
| Boyd           | Dickison        |
| Boyer          | Dickson         |
| Bradbury       | Dowell          |
| Bradford       | Dwyer           |
| Bray           | Faulkner        |
| Bridgers       | Felty           |
| Brown          | Ferguson        |
| of Nacogdoches | Fuchs           |
| Bundy          | Galbreath       |
| Burkett        | Gilmer          |
| Burney         | Goodman         |
| Cauthorn       | Gordon, Mrs.    |
| Celaya         | Hale            |
| Chambers       | Hamilton        |
| Clark          | Hankamer        |

|                  |                  |
|------------------|------------------|
| Hardeman         | Pope             |
| Hardin           | Ragsdale         |
| Harper           | Reader of Bexar  |
| Harrell of Lamar | Reader of Erath  |
| Harris           | Reaves           |
| Holland          | Reed             |
| Howard           | Rhodes           |
| Howington        | Riviere          |
| Hull             | Roach            |
| Hunt             | Roberts          |
| Isaacks          | Robinson         |
| Johnson of Ellis | Russell          |
| Keith            | Segrist          |
| Kennedy          | Shell            |
| Kern             | Skiles           |
| Kerr             | Smith of Hopkins |
| Kersey           | Spencer          |
| King             | Stinson          |
| Langdon          | Stoll            |
| Lehman           | Talbert          |
| Lock             | Tarwater         |
| London           | Taylor           |
| Mays             | Tennant          |
| McAlister        | Thornberry       |
| McDaniel         | Thornton         |
| McFarland        | Turner           |
| McMurry          | Vale             |
| McNamara         | Waggoner         |
| Mohrmann         | Weldon           |
| Monkhouse        | Wells            |
| Montgomery       | Westbrook        |
| Newell           | White            |
| Nicholson        | Wilson           |
| Pace             | Winfree          |
| Petsch           | Wood             |
| Pevehouse        | Worley           |
| Piner            | Wright           |

**Absent**

|                    |               |
|--------------------|---------------|
| Baker of Grayson   | Little        |
| Broadfoot          | Loggins       |
| Brown of Cherokee  | McDonald      |
| Colquitt           | Morris        |
| Corry              | Oliver        |
| Dean               | Schuenemann   |
| Donaghey           | Smith of Frio |
| Fielden            | Smith         |
| Harp               | of Matagorda  |
| Johnson of Tarrant | Vint          |
| Kinard             | Voigt         |
| Leonard            |               |

**Absent—Excused**

|                    |             |
|--------------------|-------------|
| Bell               | Heflin      |
| Harrell of Bastrop | Leyendecker |
| Hartzog            |             |

**RELATIVE TO HOUSE BILL NO. 126**

Mr. Galbreath moved to suspend all necessary Rules, for the purpose of making a motion to reconsider the vote by which House Bill No. 126 failed to pass to engrossment.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—71

|                  |                  |
|------------------|------------------|
| Allen            | Kern             |
| Allison          | Kerr             |
| Alsup            | Kersey           |
| Bailey           | King             |
| Baker            | Lehman           |
| of Fort Bend     | Lock             |
| Baker of Grayson | London           |
| Boyd             | Mays             |
| Boyer            | Montgomery       |
| Bradbury         | Morris           |
| Bridgers         | Newell           |
| Brown            | Petsch           |
| of Nacogdoches   | Pevehouse        |
| Burkett          | Piner            |
| Burney           | Pope             |
| Cauthorn         | Ragsdale         |
| Chambers         | Reader of Bexar  |
| Cockrell         | Reader of Erath  |
| Cornett          | Reed             |
| Crossley         | Riviere          |
| Davis of Jasper  | Roach            |
| Dickison         | Roberts          |
| Dickson          | Russell          |
| Dowell           | Smith of Hopkins |
| Faulkner         | Smith            |
| Ferguson         | of Matagorda     |
| Galbreath        | Spencer          |
| Hardeman         | Stinson          |
| Hardin           | Stoll            |
| Harper           | Thornberry       |
| Harris           | Vint             |
| Holland          | Weldon           |
| Howington        | Wells            |
| Hunt             | Westbrook        |
| Johnson of Ellis | White            |
| Keith            | Winfree          |
| Kennedy          | Worley           |

## Nays—44

|                 |                  |
|-----------------|------------------|
| Anderson        | Hankamer         |
| Blankenship     | Harrell of Lamar |
| Boethel         | Little           |
| Bradford        | McAlister        |
| Bray            | McDaniel         |
| Broadfoot       | McFarland        |
| Bundy           | McMurry          |
| Celaya          | McNamara         |
| Coleman         | Mohrmann         |
| Corry           | Monkhouse        |
| Daniel          | Nicholson        |
| Davis of Upshur | Reaves           |
| Donaghey        | Rhodes           |
| Dwyer           | Robinson         |
| Fielden         | Smith of Frio    |
| Fuchs           | Talbert          |
| Gilmer          | Tarwater         |
| Goodman         | Taylor           |
| Gordon, Mrs.    | Tennant          |

Thornton  
Turner  
Vale

Waggoner  
Wilson  
Wood

## Present—Not Voting

Segrist

## Absent

|                    |                    |
|--------------------|--------------------|
| Bond               | Isaacks            |
| Brown of Cherokee  | Johnson of Tarrant |
| Clark              | Kinard             |
| Cleveland          | Langdon            |
| Colquitt           | Leonard            |
| Colson, Mrs.       | Loggins            |
| Dean               | McDonald           |
| Derden             | Oliver             |
| Felty              | Pace               |
| Hale               | Schuenemann        |
| Hamilton           | Shell              |
| Harp               | Skiles             |
| Harrell of Bastrop | Voigt              |
| Howard             | Wright             |
| Hull               |                    |

## Absent—Excused

|         |             |
|---------|-------------|
| Bell    | Heflin      |
| Hartzog | Leyendecker |

## SENATE BILL NO. 194 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 194, A bill to be entitled "An Act to amend Article 5057a of the Revised Civil Statutes of 1925, as amended by Senate Bill No. 12, Chapter 190, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the manner in which fire insurance companies and casualty insurance companies incorporated under the laws of this State shall render their property for taxation; providing where such property shall be rendered for taxation, and declaring an emergency."

The bill was read second time.

Mr. Keith offered the following amendments to the bill:

Amend Senate Bill No. 194, page 1, line 39, by adding after the word "all", the words "bona fide".

Amend Senate Bill No. 194, page 1, line 39, by adding after the comma the following: "which reserves shall be computed in such manner as may be prescribed by the rules and regulations of the Board of Insurance Commissioners".

The amendments were severally adopted.

Mr. McFarland offered the following amendment to the bill:

Amend Senate Bill No. 194, page 1, line 40, by inserting the word "assessed" between the word "the" and the word "value" in said line.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 194 was then passed to third reading.

#### MOTION TO PLACE SENATE BILL NO. 194 ON THIRD READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 194 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

#### Yeas—93

|                   |                    |
|-------------------|--------------------|
| Allison           | Gilmer             |
| Alsup             | Goodman            |
| Anderson          | Gordon, Mrs.       |
| Baker of Grayson  | Hale               |
| Blankenship       | Hamilton           |
| Boethel           | Hankamer           |
| Bond              | Hardin             |
| Boyer             | Harp               |
| Bradbury          | Harper             |
| Bradford          | Harrell of Lamar   |
| Broadfoot         | Harris             |
| Brown of Cherokee | Holland            |
| Brown             | Hull               |
| of Nacogdoches    | Hunt               |
| Cauthorn          | Isaacks            |
| Celaya            | Johnson of Ellis   |
| Clark             | Johnson of Tarrant |
| Cleveland         | Keith              |
| Coleman           | Kern               |
| Colquitt          | Kinard             |
| Colson, Mrs.      | Lehman             |
| Corry             | Leonard            |
| Daniel            | Little             |
| Davis of Jasper   | McAlister          |
| Dean              | McDaniel           |
| Derden            | McDonald           |
| Dickison          | McFarland          |
| Dowell            | McNamara           |
| Dwyer             | Montgomery         |
| Faulkner          | Newell             |
| Felty             | Petesh             |
| Ferguson          | Pope               |
| Fielden           | Ragsdale           |
| Fuchs             | Reed               |
| Galbreath         | Roach              |

|                  |           |
|------------------|-----------|
| Robinson         | Thornton  |
| Segrist          | Turner    |
| Skiles           | Vale      |
| Smith of Hopkins | Waggoner  |
| Smith            | Weldon    |
| of Matagorda     | Wells     |
| Spencer          | Westbrook |
| Stinson          | White     |
| Stoll            | Wilson    |
| Talbert          | Winfree   |
| Tarwater         | Wood      |
| Tennant          | Wright    |
| Thornberry       |           |

#### Nays—32

|                 |                 |
|-----------------|-----------------|
| Allen           | King            |
| Bailey          | Langdon         |
| Baker           | Lock            |
| of Fort Bend    | Mays            |
| Boyd            | McMurry         |
| Bundy           | Mohrmann        |
| Burkett         | Monkhouse       |
| Burney          | Pace            |
| Cockrell        | Reader of Erath |
| Crossley        | Reaves          |
| Davis of Upshur | Riviere         |
| Donaghey        | Roberts         |
| Hardeman        | Russell         |
| Howington       | Smith of Frio   |
| Kennedy         | Taylor          |
| Kerr            | Worley          |
| Kersey          |                 |

#### Absent

|                    |                 |
|--------------------|-----------------|
| Bridgers           | Oliver          |
| Chambers           | Pevehouse       |
| Cornett            | Piner           |
| Dickson            | Reader of Bexar |
| Harrell of Bastrop | Rhodes          |
| Howard             | Schuenemann     |
| Loggins            | Shell           |
| London             | Vint            |
| Morris             | Voigt           |
| Nicholson          |                 |

#### Absent—Excused

|         |             |
|---------|-------------|
| Bell    | Heflin      |
| Bray    | Leyendecker |
| Hartzog |             |

#### MOTION TO PLACE SENATE BILL NO. 325 ON SECOND READING

Mr. Dickison moved that the necessary Rules be suspended, for the purpose of taking up, and considering, at this time,

S. B. No. 325, A bill to be entitled "An Act providing for the establishment of Civil Service for officers and employees of fire and police departments in cities having a population of not less than two hundred and twenty-five thousand (225,000) nor

more than two hundred and sixty thousand (260,000), according to the last preceding Federal Census and all future Federal Census; etc., and declaring an emergency."

Mr. Felty raised a point of order, on consideration of Senate Bill No. 325, at this time, on the ground that the bill has not been printed in accordance with the Rules of the House.

The Speaker overruled the point of order.

Mr. Felty raised a point of order, on further consideration of the bill, at this time, on the ground that the bill has not been published in accordance with the constitutional provisions.

The Speaker overruled the point of order.

Question recurring on the motion by Mr. Dickison, yeas and nays were demanded.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—37

|                  |                 |
|------------------|-----------------|
| Alsup            | Hull            |
| Anderson         | Keith           |
| Boethel          | Kinard          |
| Broadfoot        | McFarland       |
| Brown            | Nicholson       |
| of Nacogdoches   | Montgomery      |
| Bundy            | Piner           |
| Celaya           | Pope            |
| Cleveland        | Reader of Erath |
| Cockrell         | Roach           |
| Cornett          | Robinson        |
| Davis of Jasper  | Smith           |
| Derden           | of Matagorda    |
| Dickison         | Thornton        |
| Dwyer            | Vale            |
| Ferguson         | Wells           |
| Galbreath        | White           |
| Gordon, Mrs.     | Winfree         |
| Hardin           | Wright          |
| Harrell of Lamar |                 |

## Nays—15

|                 |           |
|-----------------|-----------|
| Bailey          | Fuchs     |
| Boyd            | Howington |
| Bradbury        | Hunt      |
| Crossley        | Mays      |
| Davis of Upshur | McMurry   |
| Dean            | Mohrmann  |
| Dowell          | Pace      |
| Felty           |           |

## Present—Not Voting

|                  |         |
|------------------|---------|
| Allen            | Boyer   |
| Allison          | Bray    |
| Baker of Grayson | Burkett |

|                    |           |
|--------------------|-----------|
| Burney             | McDaniel  |
| Cauthorn           | McDonald  |
| Clark              | McNamara  |
| Coleman            | Monkhouse |
| Colquitt           | Newell    |
| Colson, Mrs.       | Oliver    |
| Daniel             | Reaves    |
| Donaghey           | Reed      |
| Faulkner           | Rhodes    |
| Fielden            | Riviere   |
| Gilmer             | Roberts   |
| Hale               | Russell   |
| Hamilton           | Segrist   |
| Harp               | Skiles    |
| Harper             | Spencer   |
| Harris             | Stinson   |
| Johnson of Ellis   | Tarwater  |
| Johnson of Tarrant | Taylor    |
| Kennedy            | Tennant   |
| Kern               | Turner    |
| Kerr               | Waggoner  |
| Kersey             | Weldon    |
| Langdon            | Wilson    |
| Lehman             | Wood      |
| London             | Worley    |
| McAlister          |           |

## Absent

|                   |                  |
|-------------------|------------------|
| Baker             | Little           |
| of Fort Bend      | Lock             |
| Blankenship       | Loggins          |
| Bond              | Morris           |
| Bradford          | Petsch           |
| Bridgers          | Pevehouse        |
| Brown of Cherokee | Ragsdale         |
| Chambers          | Reader of Bexar  |
| Corry             | Schuenemann      |
| Dickson           | Shell            |
| Goodman           | Smith of Frio    |
| Hankamer          | Smith of Hopkins |
| Hardeman          | Stoll            |
| Holland           | Talbert          |
| Howard            | Thornberry       |
| Isaacks           | Vint             |
| King              | Voigt            |
| Leonard           | Westbrook        |

## Absent—Excused

|                    |             |
|--------------------|-------------|
| Bell               | Heflin      |
| Harrell of Bastrop | Leyendecker |
| Hartzog            |             |

## MESSAGE FROM THE SENATE

Austin, Texas, May 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 89 by a viva voce vote.



Passed

S. B. No. 171, A bill to be entitled "An Act providing for voluntary apprenticeship to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; etc., and declaring an emergency."

H. B. No. 1012, A bill to be entitled "An Act validating county line common school districts and county line consolidated common school districts in certain counties in this State; validating all acts of the Board or Boards of Trustees in such districts; validating acts of County Commissioners Courts in ordering an election; etc., and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers, under the direction and with the consent of Directors of said District; etc., and declaring an emergency."

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; etc., and declaring an emergency." (With amendments.)

H. B. No. 1010, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the method of employing the supervisor; prescribing the duties of said supervisor; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 137, "An Act to amend Article 1149 of the Penal Code of this State, relating to assault with motor vehicle, by providing that if any driver or operator of a motor vehicle or

motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed, and declaring an emergency."

S. B. No. 89, "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said Counties practically fifty per cent (50%) of the land in said Counties, thereby taking off the tax rolls so much valuation that said Counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said Counties, remitting, releasing, granting, and donating to said Counties all State ad valorem taxes, etc., and declaring an emergency."

#### MOTION TO PLACE SENATE BILL NO. 325 ON SECOND READING

Mr. Dwyer moved that the necessary Rules be suspended, for the purpose of taking up, and considering, at this time, Senate Bill No. 325.

Question—Shall the motion by Mr. Dwyer prevail?

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 171, to the Committee on Labor.

#### RECESS

Mr. Felty moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Taylor moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—56

|                  |                    |
|------------------|--------------------|
| Baker            | Johnson of Tarrant |
| of Fort Bend     | Kennedy            |
| Baker of Grayson | Kerr               |
| Boethel          | Kinard             |
| Boyd             | King               |
| Bradbury         | London             |
| Bradford         | Mays               |
| Broadfoot        | McAlister          |
| Burkett          | McDonald           |
| Cauthorn         | McFarland          |
| Clark            | McMurry            |
| Cockrell         | Mohrmann           |
| Cornett          | Nicholson          |
| Corry            | Petsch             |
| Daniel           | Reader of Bexar    |
| Davis of Jasper  | Rhodes             |
| Dean             | Riviere            |
| Donaghey         | Segrist            |
| Dowell           | Skiles             |
| Faulkner         | Spencer            |
| Felty            | Stinson            |
| Ferguson         | Talbert            |
| Fielden          | Taylor             |
| Goodman          | Tennant            |
| Hardeman         | Thornberry         |
| Harris           | Vint               |
| Holland          | Voigt              |
| Isaacks          | Waggoner           |
| Johnson of Ellis |                    |

## Nays—73

|                   |                  |
|-------------------|------------------|
| Allen             | Dwyer            |
| Allison           | Fuchs            |
| Alsup             | Galbreath        |
| Anderson          | Gilmer           |
| Bailey            | Gordon, Mrs.     |
| Bond              | Hale             |
| Boyer             | Hamilton         |
| Bray              | Hankamer         |
| Brown of Cherokee | Hardin           |
| Brown             | Harp             |
| of Nacogdoches    | Harper           |
| Bundy             | Harrell of Lamar |
| Burney            | Howard           |
| Celaya            | Howington        |
| Chambers          | Hunt             |
| Cleveland         | Kern             |
| Coleman           | Kersey           |
| Colquitt          | Langdon          |
| Colson, Mrs.      | Lehman           |
| Crossley          | Little           |
| Davis of Upshur   | Lock             |
| Derden            | McDaniel         |
| Dickison          | McNamara         |

|                 |               |
|-----------------|---------------|
| Monkhouse       | Russell       |
| Montgomery      | Smith of Frio |
| Morris          | Stoll         |
| Newell          | Tarwater      |
| Oliver          | Thornton      |
| Piner           | Turner        |
| Pope            | Weldon        |
| Ragsdale        | Wells         |
| Reader of Erath | White         |
| Reaves          | Wilson        |
| Reed            | Winfree       |
| Roach           | Wood          |
| Roberts         | Worley        |
| Robinson        | Wright        |

## Absent

|             |                  |
|-------------|------------------|
| Blankenship | Pevehouse        |
| Bridgers    | Schuenemann      |
| Dickson     | Shell            |
| Hull        | Smith of Hopkins |
| Keith       | Smith            |
| Leonard     | of Matagorda     |
| Leyendecker | Vale             |
| Loggins     | Westbrook        |
| Pace        |                  |

## Absent—Excused

|                    |         |
|--------------------|---------|
| Bell               | Hartzog |
| Harrell of Bastrop | Heflin  |

Question next recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed. The House, accordingly, at 4:20 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Revenue and Taxation: House Bill No. 677.

Education: House Bill No. 1077.

Appropriations: Senate Bill No. 305.

Counties: Senate Bill No. 459.

The Committee on Constitutional Amendments filed adverse reports on the following:

House Joint Resolution No. 19 and House Joint Resolution No. 36.

# REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, May 10, 1939.  
Hon. R. Emmett Morse, Speaker of  
the House of Representatives.  
Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. C. R. No. 143, Requesting the  
return of Senate Bill No. 115 for cor-  
rection.

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

## SEVENTY-FIRST DAY

(Continued)

(Friday, May 12, 1939)

The House met at 10:00 o'clock a.  
m., and was called to order by Speaker  
Morse.

Prayer was offered by Rev. George  
W. Coltrin, Chaplain, as follows:

"O, God, Thou art infinite, and Thy  
word is our light and our guide.  
Thou hast said, 'If any man lack wis-  
dom let him ask of God, who giveth  
to all men liberally and upbraideth  
not.' Surely we always need that  
understanding which will help us to  
do worthily the tasks that come to  
our hands. As we ask do Thou be-  
stow a knowledge of Thy will. In  
Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. McMurry for today, on account  
of important business, on motion of  
Mr. McDonald.

Mr. Kerr for today, on account of  
illness in his family, on motion of  
Mr. Smith of Hopkins.

Mr. Colquitt for today, on account  
of illness, on motion of Mr. Hankamer.

## TO GRANT PERMISSION TO SUE THE STATE

Mr. Mohrmann offered the follow-  
ing resolution:

H. C. R. No. 142, To grant Susan  
Robertson permission to sue the State.

Whereas, Susan Robertson, wife of  
O. B. Robertson, Sunset Brick & Tile  
Company, a private corporation, and

the Estate of T. F. Harwood, deceased,  
of which estate W. T. Miller is sole  
independent executor, each, now own  
and have owned at all times since  
prior to the month of April, 1933, cer-  
tain lands and premises situated in  
Gonzales County, Texas, the real  
estate so owned by the said Susan  
Robertson consisting of Lots Nos. 3  
and 4 in Block No. 1 of the original  
Inner Town of Gonzales and 57.45  
acres of land out of the Green De-  
Witt Survey No. 1, Abstract No. 15;  
the real estate so owned by said Sun-  
set Brick & Tile Company consisting  
of 24.3 acres of land out of said  
Green DeWitt Survey No. 1, Abstract  
No. 15; and the real estate so owned  
by the Estate of T. F. Harwood, de-  
ceased, consisting of 30 acres of land,  
more or less, parts of the Green De-  
Witt Survey No. 1, Abstract No. 15,  
and the J. Ruth Survey, Abstract No.  
404, and Block No. 15 and the south  
end of what was formerly St. James  
Street in the original Inner Town of  
Gonzales; and

Whereas, After the month of  
March, 1933, and during the years  
1933-1934, the State of Texas by and  
through the State Highway Commis-  
sion constructed and improved a high-  
way extending through Gonzales  
County, Texas, known as State High-  
way No. 29, and, in constructing and  
improving that portion of said high-  
way extending in a southerly direction  
from the city limits of the City of  
Gonzales to and beyond the Guadalupe  
River, built up and erected and con-  
structed a high road dump or em-  
bankment without any opening therein  
between the limits of said city and  
said river, all in such way that the  
said above named owners of the afore-  
said lands lying above and up-river  
from such embankment claim and as-  
sert that such embankment impedes  
and holds back and raises the flood  
waters moving down the river valley  
from above such embankment and to  
greatly raise the height and increase  
the width of the flood waters of such  
river above or up-river from such em-  
bankment and to impound such waters  
and cause same to rise to higher levels  
and to spread out and cover much  
more lands located up-river from such  
embankment, including the above-  
mentioned lands, than was the case  
before such embankment was con-  
structed, and in such manner as to  
overflow and to obstruct and inter-